

REMARKS

Claims 1, 2 and 4-21 are pending. Claims 1, 13 and 17 are independent. By the present amendment, claims 1, 2, 10, 13, 17 and 19 are amended.

The Decision on Appeal decided May 12, 2010 reversed the rejection of claims 10 and 19 under 35 U.S.C §103(a) as being obvious over Foster et al in view of Hiroshima et al and further in view of U.S. Patent No. 5,732,324, to Rieger III (hereinafter "Rieger III"). Accordingly, claims 10 and 19 have been rewritten in independent form, and notice with respect to the allowance of at least claims 10 and 19, and claim 11 which depends from claim 10, is requested.

On page 11 of the Decision on Appeal decided May 12, 2010, the Board states that the recitation of "said transmitted broadcast signal being provided with at least one header" in claims 1 and 17 "is not limited as to where and when header provision occurs." Thus, the Board was not persuaded by arguments distinguishing the recited invention from Foster's application of BTI values at a set top box (STB) following transmission. Applicants have amended claims 1 and 17 to more clearly recite that the claimed header is provided to the transmitted broadcast signal prior to transmission to the receiver. Similar amendments are made to independent claim 13 in view of the Board's remarks regarding claim 13 on page 15 of the Decision on Appeal (i.e., "We do not find any recited limitation as to when or where the 'segment headers' are provided to the broadcast signal.").

On page 12 of the Decision on Appeal decided May 12, 2010, the Board states that "storing segment identifications from a header, without more, does not functionally or structurally limit the claimed subject matter." Accordingly, claim 2 has been amended to more clearly recite use of information to identify each of the segments recited in claim 1. As stated on page 14 of the Decision on Appeal decided May 12, 2010 with respect to claim 10, the Board acknowledges that Reiger does not teach or suggest "an apparatus or method to identify whether program segments were or were not previously stored." For similar reasons, claim 9 is also

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believed to be allowable in view of the amendment herein to distinguish the invention from Foster and, like claim 2, its recitation of a processing device programmable "to determine which of said segments in the data file have not been received and stored."

In view of the foregoing, Applicant respectfully requests withdrawal of the rejections of the claims 1, 2 and 4-21 under 35 U.S.C. §103(a).

Conclusion

In view of the amendments and arguments set forth above, Applicants submit that the present application is in condition for allowance and would appreciate early notification of the same.

Invitation for a telephone interview

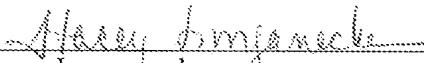
The Examiner is invited to call the undersigned at (202) 659-9076 if further issues remain with allowance of this case.

Deposit Account Authorization

Although no fee is believed due by submission of this paper, authorization is hereby made to charge any fees due or outstanding, or credit any overpayment, to Deposit Account No. 18-2220 (Order No. 40554).

Respectfully Submitted,

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